

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:1704
ANSWERED ON:08.08.2006
INTELLECTUAL PROPERTY RIGHTS
Sippiparai Shri A. Ravichandran

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Government has any proposal to develop Intellectual Property Rights (IPR) regimes to protect the biodiversity and promote sustainable development;
- (b) if so, the details thereof alongwith the existing policies in this regard and its achievements; and (
- (c) if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI ASHWANI KUMAR)

(a) & (b): The Biological Diversity Act, 2002 and the Patents Act, 1970 as amended in 2005 have sufficient provisions for protection of biodiversity and promotion of sustainable development .

The Biological Diversity Act, 2002 was enacted to provide for conservation of biological diversity, sustainable use of its components, fair and equitable sharing of the benefits arising out of the use of biological resources or associated knowledge. This Act aims at regulating access to biological resources and associated knowledge of the country so as to ensure equitable sharing of benefits arising out of their use.

As per the provisions of the Patents Act, 1970 as amended in 2005, plants, animals and traditional knowledge are not considered inventions and are therefore not patentable subject matter. This Act also provides for mandatory disclosure of source and geographical origin of the biological material used in an invention, while applying for patent. Failure to do so entails opposition to patent application and revocation of patent, if granted.

(c): Does not arise.